

**BEFORE THE**  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Comment on the Thousands-	)	CC Docket No. 99-200
Block Pooling Administrator	)	DA No. 05-3102
Technical Requirements	)	

**COMMENTS OF THE NEW YORK STATE**  
**DEPARTMENT OF PUBLIC SERVICE**

Dated: December 29, 2005  
Albany, New York

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**INTRODUCTION & SUMMARY**

The New York State Department of Public Service (NYDPS) submits these comments in response to the Federal Communications Commission's (Commission) Public Notice (Notice) issued November 29, 2005. The Notice indicates that the term for the current Pooling Administrator (PA) expires on June 13, 2006, and seeks comment on proposed revisions to the technical requirements to be met by the new PA. Such revisions have been proposed to assist the Commission in its solicitation for the selection of a national thousands-block PA.

The NYDPS urges the Commission to reject the proposed technical requirements only to the extent that such requirements would remove the discretion of the PA to subject carriers' forecast data to additional analysis when determining the extent to which thousands-block numbering resources should be provided to a rate center.

**DISCUSSION**

New York has had a long-standing interest in numbering matters as is reflected in its current Petition before the Commission<sup>1</sup> seeking recognition of

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<sup>1</sup> In the Matter of Petition for Order Marking All Rate Centers in New York Mandatory for Number Pooling, Petition of the New York State Department of Public Service For Mandatory Number Pooling, Docket No. \_\_ - \_\_\_\_ (dated August 26, 2005), available on the Commission's web site at

a previous New York Public Service Commission (PSC) Order of March 17, 2000, that required state-wide number pooling for all rate centers in New York.<sup>2</sup> The PSC's March 17, 2000 Order was a follow up to a PSC Order of April 29, 1999, wherein the PSC directed a geographic split for the single Long Island area code, and also determined that two other area codes in the State were in jeopardy.<sup>3</sup> Thereafter, the PSC worked toward solving the number scarcity in New York by issuing both the March 17, 2000 Order, and an Order issued December 13, 2000, in which the PSC established procedures for reclaiming numbering resources which have not been activated.<sup>4</sup>

Although the Commission's Notice indicates that that the proposed technical requirements document does not necessarily reflect the Commission's position on any final technical requirements, the NYDPS files these comments to draw the Commission's attention to a proposed revision which, if adopted, could unduly exacerbate the scarcity of numbering resources. While measures to conserve such resources have demonstrated some success, the Commission and the PA should remain vigilant to ensure

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<[http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6518185900](http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518185900)>.

<sup>2</sup> Case 98-C-0689 - Proceeding on Motion of the Commission Pursuant to Section 97(2) of the Public Service Law to Institute an Omnibus Proceeding to Investigate the Efficiency of Usage of Telephone Numbering Resources and to Evaluate the Options for Making Additional Central Office Codes and/or Area Codes Available in Areas of New York State When and Where Needed, Order Instituting State-Wide Number Pooling and Number Assignment and Reclamation Procedures (issued March 17, 2000).

<sup>3</sup> Case 98-C-0689 - Proceeding on Motion of the Commission Pursuant to Section 97(2) of the Public Service Law to Institute an Omnibus Proceeding to Investigate the Efficiency of Usage of Telephone Numbering Resources and to Evaluate the Options for Making Additional Central Office Codes and/or Area Codes Available in Areas of New York State When and Where Needed, Opinion and Order Directing Geographic Split of the 516 NPA (issued April 29, 1999).

<sup>4</sup> Case 98-C-0689 - Proceeding on Motion of the Commission Pursuant to Section 97(2) of the Public Service Law to Institute an Omnibus Proceeding to Investigate the Efficiency of Usage of Telephone Numbering Resources and to Evaluate the Options for Making Additional Central Office Codes and/or Area Codes Available in Areas of New York State When and Where Needed, Order Adopting Procedures and Standards For Reclamation of Central Office Codes (issued December 13, 2000).

that such resources do not become unnecessarily stranded due to inadvertent oversupply where such numbers are not really needed.

The NYDPS takes issue with a proposed technical requirement that would fundamentally alter the process by which the PA determines how many thousands-block numbering resources should be provided to a rate center.<sup>5</sup> Under the technical requirements currently applicable to the PA, the PA analyzes the carrier's self-supplied Numbering Resource Utilization/Forecast (NRUF) Report data against other data, such as historical take rates and usage of numbers by the particular rate center. The PA also considers the accuracy of the carriers' previous forecasts before determining how many blocks to allocate to a rate center. After performing such analysis, the PA provides thousand-blocks as necessary.<sup>6</sup> Under the proposed revision, however, the PA's analysis of the NRUF data would be eliminated. Instead, the PA would be instructed to determine anticipated demand for number assignment based solely on the "most recent aggregate NRUF demand."<sup>7</sup> Unlike the proposed revision, the current approach addresses the problem of self-interested carriers' controlling their own access to numbering resources.

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<sup>5</sup> Thousands-block number pooling is a process by which the 10,000 numbers in a central office code are separated into ten sequential blocks of 1,000 numbers each. Each thousands-block is then allocated separately within a rate center. See 47 C.F.R. §52.20 (containing the definition of thousands-block number pooling).

<sup>6</sup> The current PA technical requirements provide as follows:

**2.1.2 Forecast Analysis**

The contractor shall perform an analysis on all forecasts filed for each rate area inventory pool. This analysis shall be used by the Pool Administrator to ensure that there are adequate blocks available to meet the expected applications from participating service providers in each rate area pool inventory.

<sup>7</sup> The proposed technical requirements attached to the Commission's Notice inviting these comments states:

**2.14.1 Pool Inventory Level**

...The anticipated demand shall be determined by the most recent aggregate NRUF demand. In between bi-annual NRUF submissions, the PA may adjust the inventory level if the actual pool supply of blocks appears to be insufficient, or if additional information is received, e.g., updated NRUFs.

In fact, the Commission ordered number pooling so that carriers who may be self-interested in obtaining and hoarding resources would not be in control of the process for retrieving such resources.<sup>8</sup> The Commission directed the North American Numbering Plan Administrator (NANPA) to develop the current process for allocating numbering resources, observing that the then existing procedures did "not impose adequate discipline on a carrier's ability to obtain and stockpile numbers for which it has no immediate need."<sup>9</sup>

Moreover, the NYDPS has found that the NRUF forecast data is often overstated and unreliable as far as number allocation is concerned. For example, in 2003, the NYDPS undertook a review of the NRUF data regarding actual utilization (not the forecast data) submitted by carriers looking to identify blocks that are underutilized. The NYDPS looked for blocks that were under 5% utilized in one or more previous NRUF submissions and then contacted the carrier to negotiate return of the block. In February 2003, by using the foregoing process, the NYDPS recovered 1348 underutilized blocks in New York.<sup>10</sup>

Consequently, removing from the PA its ability to analyze NRUF data could result in the wasteful assignment of scarce numbering resources. Such proposed removal of the PA's discretion is unwarranted.

### CONCLUSION

For all the foregoing reasons, the Commission should reject the proposed technical requirements inasmuch as those requirements would constrict the PA's ability to subject carriers' self-supplied NRUF data to analysis, and the Commission should ensure that the new PA has the same analytical power provided to the current PA.

Respectfully submitted,

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<sup>8</sup> See In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, 15 FCC Rcd 7574 at ¶¶ 2, 6 & 10 (April 24, 2002) (Numbering Resource Optimization Order) (determining also that numbering resources are in a crisis state).

<sup>9</sup> Numbering Resource Optimization Order at ¶10.

<sup>10</sup> The NYDPS initiated another number utilization review in November 2005 which has not yet been completed.

Dawn Jablonski Ryman  
General Counsel  
Dakin D. Lecakes  
Assistant Counsel  
Public Service Commission  
of the State of New York  
Three Empire State Plaza  
Albany, New York 12223-1350  
(518) 474-4536

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